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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 7186 OF 2006

Bhrashtachar Nirmulan Samiti ... Petitioner

Vs.

The State of Maharahstra & Ors. .... Respondents.

Mr. A. K. Prajapati, Advocate for the petitioner.

Mr. P.P. Rokade, AGP for respondent.

CORAM: F.I. REBELLO,
AND
R. V. MORE, JJ.

DATE : FEBRUARY 2, 2007.

P.C.:

. The period for which permission was sought to hold the rally has expired. Even otherwise, respondent Nos. 1 and 2 could only have asked for permission in so far as the State of Maharahstra is concerned, and not beyond its territorial jurisdiction.

2. It is fundamental right of every citizen and organisation to hold peaceful rallies to ventilate whatever grievances they have against the establishment and or its policies and or inaction on its part and the like. This is the

essence of our democracy. The grant of permission to citizens to hold rallies and demonstration is not subject to whims and fences of the party in power or the establishment. Needless to say that it is only subject to the petitioner's complying with the other requirements which they are required to follow according to law. As the period is already over, we do not propose to issue any direction.

3. However, we make it clear that right to organise rallies and to protest is the democratic right of every citizen and every organisation, lawfully established and functioning in the territory of India. Respondent authorities while considering such permission must bear this fact in mind and the applicable provisions of law.

4. In the event, petitioners apply for permission in the future their permission be considered on merits, bearing in mind what we have set out in the order. With this above observation, petition is disposed of. There shall be no order as to cost.

Sd/-
[**R. V. MORE, J.]**

Sd/-
[F.I. REBELLO,J.]